

**STATE OF CONNECTICUT**  
**HOME INSPECTION LICENSING BOARD**  
TEL. NO. (860) 713-6135

***-MINUTES-***

**FEBRUARY 24, 2016**

The Connecticut Home Inspection Licensing Board held a meeting on Wednesday, February 24, 2016 which was called to order at 9:43 A.M. in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, CT 06106.

**Board Members Present:** Richard J. Kobylenski (*Home Inspector*)  
James J. O'Neill (*Public Member*)  
William Stanley, Jr. (*Home Inspector*)  
Lawrence R. Willette (*Home Inspector*)

**Board Members Not Present:** Bruce D. Schaefer (*Home Inspector*)

**Board Member Vacancies:** Two (*Public Member*)  
One (*Home Inspector*)

**Board Counsel:** Not present, as requested.

**DCP Staff Present:** Robert M. Kuzmich, Department of Consumer Protection  
Richard M. Hurlburt, Department of Consumer Protection  
Vicky Bullock, Department of Consumer Protection

**Others Present:** Warren Tomek, Five Star Inspection Services

*Note: The administrative functions of the Boards, Commissions, and Councils are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division. For information, contact Richard M. Hurlburt, Director, at (860) 713-6135 or Fax (860)-706-1202.*

**Agency Website:** [www.ct.gov/dcp](http://www.ct.gov/dcp)

**Division E-Mail:** [dcp.occupationalprofessional@ct.gov](mailto:dcp.occupationalprofessional@ct.gov)

**1. Call to order:** by Chairman.

Mr. Stanley called the meeting to order at 9:43 AM.

**2. Review of minutes of the November 18, 2015 meeting the Board.**

The Board voted to approve the minutes as submitted. (Willette/Kobylenski)

**3. Comments or Concerns of any Person Present Today.**

There were no comments or concerns noted from anyone present at this meeting.

**4. Review of Final Decisions and Orders:**

None before the Board today.

**5. Applications for review:**

None before the Board today.

**6. Applicants appearing before the Board:**

None before the Board today.

**7. Formal Hearings to be held:**

None before the Board today.

**8. Old Business**

A. Continuation of discussion concerning proposed changes to the Regulation for Home Inspection; for discussion by the Board.

**9. New Business**

A. E-mail from Mr. William Stanley dated February 4, 2016 concerning Section 20-491-13(12) and 20-491-1(11) of the Regulation concerning Home Inspectors; for discussion by the Board.

Mr. Warren Tomek addressed the Board. A recent arbitration decision found Mr. Tomek liable for failure to disclose the presence of asbestos in a home he inspected. The decision is based on the plain language of the regulation and appears to be the result of a typographical error made when the regulations were drafted and not corrected during the comment period. The Department of Consumer Protection issued a letter in 2002 indicating that the regulation was interpreted by the Board to exclude radon, asbestos and lead. This letter is posted on the Department's web site.

The arbitrator did not have the benefit of seeing the Department's letter. As a result, his decision is based on the plain language of the regulation. The letter was brought to the attention of the judge that heard the Motion to Vacate the arbitration award and it apparently had no bearing on the matter, as the motion was denied.

The Board discussed the possibility of changing the Regulation for Home Inspectors. However, Mr. O'Neill suggested that these proposed changes can be added to pending legislation being acted upon this session. This process will create a statutory amendment and be a more expeditious method of getting this done. Mr. Stanley will send a draft of the proposed changes to Department Legislative Liaison Ms. Leslie O'Brien and try to meet with her in person to discuss the same.

#### B. Home Inspection School Application for Pre-Licensing.

School (Pre-Licensing):

Inspection Certification Associates  
33d S. Michigan Avenue, Suite 1032-C286  
Chicago, Illinois 60604

Course (Pre-Licensing): *Real Estate Inspection Program* (60 hrs.)

The Board asked that Mr. Kuzmich send a scanned copy of this application by e-mail to all Board Members subsequent to today's meeting. The Board will discuss their review of this application and take action on the same at their next meeting scheduled for May 25, 2016.

C. DCP Trade Practices Division Complaint Status Report; review of complaint report submitted by the DCP Trade Practices Division including open, closed, and dismissed cases.

No report was received from the Trade Practices Division. Mr. Stanley noted that this Board has not received a report in quite some time and asked that the Board be advised at each meeting even if there are no complaints.

### **10. Other Business**

A. Any correspondence and/or business received in the interim.

The Board voted to add the application listed below to today's meeting agenda:

1. Application of Mr. Richard F. Aube for a Home Inspector License; for review and action by the Board. Mr. Aube is applying for the license by reciprocity and is asking the Board to consider his application under the provisions of P.A. 99-254.

The Home Inspection Licensing Board voted unanimously to deny his application for a Home Inspector License. (O'Neill/Willette) Their decision was based his lack of holding a valid license issued by another state with standards substantially equivalent to or exceeding the standards of this state pursuant to Statute Section 20-492c. Licensure of out-of-state licensees. In addition, the Board also noted that the effective date of P.A. 99-254 Mr. Aube referenced has long since expired.

Upon further discussion, the Board will approve an application from Mr. Aube for a Home Inspector Intern Permit and give him credit for the pre-licensing course requirement based upon his professional background. However, it was noted that he would still need to complete the supervised inspection and examination requirements in order to then qualify for a Home Inspector License.

#### **11. Comments or Concerns of any Person Present Today.**

There were no comments or concerns noted from anyone present at this meeting.

The meeting adjourned at 10:14 AM. (Stanley/Kobylenski)

Note: the next regular meeting of the Board is scheduled for Wednesday, May 25, 2016 beginning at 9:30 AM in Room No. 117 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Respectfully submitted,

Robert M. Kuzmich, R.A.  
License and Applications Specialist

#### **Upcoming Home Inspection Licensing Board Meeting Dates:**

1. May 25, 2016
2. August 24, 2016
3. November 23, 2016